

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 6-15 are cancelled.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-5 are now pending in this application.

I. Claim rejections under 35 U. S. C. §112 should be withdrawn

Claims 14 and 15 are rejected 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claims 14 and 15 are cancelled, thus the 112 rejections are now moot.

II. Claim rejections under 35 U. S. C. §102 should be withdrawn

Claims 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gu (J. Org. Chem., Vol. 51, No. 26, December 1986, pp. 5425-5427).

Claims 6-9 are cancelled, thus the 102 rejections are now moot.

III. Claim rejections under 35 U. S. C. §103 should be withdrawn

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gu (J. Org. Chem., Vol. 51, No. 26, December 1986, pp. 5425-5427) in view of Beauchamp et al. (J. Med. Chem., Vol. 31, No. 1, January 1988, pp. 144-149) and further in view of Horino et al. (US 5,739,100).

The Advisory Action mailed April 16, 2009 indicates that the 103 (a) rejections of claims 1-5 have been overcome by the Reply filed on March 30, 2009. Claims 6-15 are cancelled. Accordingly, Applicants respectfully request withdrawal of the 103 rejections.

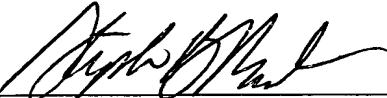
Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date April 28, 2009 By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5569
Facsimile: (202) 672-5399

Stephen B. Maebius
Attorney for Applicants
Registration No. 35,264